



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2022

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.NO.18818 OF 2020

S.Parameswaran

... Petitioner

.Vs.

1. The Principal Secretary,
Micro, Small and Medium
Enterprises Department,
Secretariat, Chennai - 600 009.

2. The Industries Commissioner and
Director of Industries and Commerce,
SIDCO Complex, SIDCO Industrial Estate,
Guindy, Chennai - 600 032.

... Respondents

PRAYER:-

Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the 1st respondent to consider the petitioner's representation dated 07.03.2020.

For Petitioner : Mr.C.Gunasekaran

For Respondents : Mr.R.Kumaravel
Additional Government Pleader

O R D E R

The Writ Petition is filed for a direction to the 1st respondent to consider the petitioner's representation dated 07.03.2020.

2. The petitioner is a retired Additional Director of Industrial Cooperatives. According to the petitioner, one Mr.KMV. Manivannan, former Joint Director of Industrial Cooperatives had worked as the Special Officer of Tamil Nadu



Co-operative Bank (hereinafter referred to as, 'TAICO Bank') from 2006 - 2010. During 2009 - 2010, the TAICO Bank has sanctioned and disbursed House Building Advance to 15 loans through Trichy Branch of TAICO Bank for the purpose of Flats to be constructed by M/s.Ishwar Builders of Trichy, with a total loan amount of Rs.125.45 Lakhs. All the loan applications have been examined and scrutinized at the Head Office, TAICO Bank, Chennai and sanctioned through former Special Officer and KMV.Manivannan, Joint Director of Industrial Cooperatives on various dates during 2009. According to the petitioner, there were many irregularities and lapses in sanctioning the loan by said KMV. Manivannan. Due to the same, there was delay in recovery of loan amounts. However, as on 31.03.2019, three loan amounts to the tune of Rs.62,55,000/- was pending to be recovered from 3 debtors namely (1) O.M.A.Marathan Natchitoni, (2) T.Ravishankar and (3) V.Rajkumar. On the request of the petitioner, the Managing Director of TAICO Bank requested the 2nd respondent by his letter dated 28.05.2019 to order for 81 Enquiry under Tamil Nadu Co-operative Societies Act, 1983, (hereinafter referred to as, 'the Act') to bring out the truth and to fix responsibility on the persons concerned who have sanctioned loan to the said 3 defaulters and to prevent loss to the Bank. The Enquiry Officer, without confining his enquiry proceedings within the terms of reference, gone beyond the scope of enquiry and in order to protect the said KMV. Manivannan, filed report contrary to the true facts and hence, the petitioner sent a representation dated 07.03.2020 to the 1st respondent to instruct the 2nd respondent to order fresh enquiry under Section 182 of the Act. No order is passed so far. Hence, the petitioner has come out with the present Writ Petition.

3. The 2nd respondent filed counter affidavit and denied all the averments made by the petitioner. Mr.R.Kumaravel, learned Additional Government Pleader appearing for the respondents submitted that the enquiry was conducted properly and report of Enquiry Officer is correct. The petitioner who worked in TAICO Bank as Special Officer did not take any steps to recover the loans due. After his retirement, due to personal mandate against the said KMV. Manivannan, the petitioner has given representation to order fresh enquiry. All the loans granted for construction of flats by M/s.Ishwar Builders were recovered. There is no loss to the Bank. The Enquiry Officer did not recommend any proceedings under Section 87 of the Act, as there is no loss to the Bank. The learned Additional Government Pleader extensively referred to various averments in the counter affidavit and prayed for dismissal of the Writ Petition.

4. Heard the learned counsel appearing for the petitioner as well as the learned Additional Government Pleader appearing for



the respondents and perused the entire materials available on record.

5. From the above materials on record, it is seen that the petitioner is seeking fresh enquiry as per the provisions of Section 182 of the Act. According to the petitioner, the Enquiry Officer appointed under Section 81 of the Act did not conduct enquiry properly and conducted the enquiry in a biased manner with a view to safeguard one KMV. Manivannan, who committed various irregularities in sanctioning loan to 15 persons. Due to such irregularities, 3 loans to the tune of Rs.62,55,000/- were not recovered and caused loss to the Bank. On the other hand, it is the case of the respondents that all the amounts due under 15 loans were recovered and there is no loan default as alleged by the petitioner. Further, the petitioner has also worked as Special Officer in the Bank and till he and said KMV. Manivannan were in service, the petitioner did not make any request for fresh enquiry. On the other hand, after retirement and also after said KMV. Manivannan attaining the age of superannuation, the petitioner sent representation dated 07.03.2020 to the 1st respondent. In view of the above materials, the contention of the learned Additional Government Pleader appearing for the respondents that only due to personal vendetta against the said KMV. Manivannan, the petitioner has come out with the present Writ Petition has considerable force and is acceptable. The petitioner has not made out any case for ordering fresh enquiry by the 1st respondent by invoking Section 182 of the Act.

For the above reason, the Writ Petition is dismissed. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

gsa

To

1. The Principal Secretary,
Micro, Small and Medium
Enterprises Department,
Secretariat,
Chennai - 600 009.



2. The Industries Commissioner and
Director of Industries and Commerce,
SIDCO Complex, SIDCO Industrial Estate,
Guindy, Chennai - 600 032.

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+1cc to the Special Government Pleader, S.R.No.18762

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SKM(CO)
PBS/31/03/2022